

# Four Questions

DEBATED.

Q. 1. Whether the Exercise of the Government of England be really Subverted? *Affirm.*

Q. 2. Admitting the Exercise of Government dissolved, whether the power of Sailing is in the People? *Affirm.*

Q. 3. Whether as the Case stands it is left to make the Exercise of the Government in the Person, who would be next by Legal Descent, if King James the Second was actually dead? *Not.*

Q. 4. Whether 'tis consistent with the Prince's Honour to accept of the Government, especially considering his Declaration was to Redress Matters by a Free Parliament. *Affirm.*

WITH

An Answer to the Objection that the Convention will not have the Power of a Parliament.

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L O N D O N,

Printed in the Year, 1689.

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Q. 2. Adjoining the Exercise of Government dissolved, whether the Power of setting is in the People? Affirm.

Q. 3. Whether as the Case stands it is best to leave the Exercise of the Government in the Person, who would be next by Lineal Descent, if King James the Second was actually dead? Affirm.

Q. 4. Whether it is consistent with the Prince's Duty to accept of the Government, especially considering his Declaration was to Retain Matters by a Free Parliament? Affirm.

UNIVERSITY  
OF CAMBRIDGE

## WITH

An Answer to the Objection that the Convention will not have the Power of a Parliament.

L O N D O N

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**Q. 1. Whether the Exercise of the Government of England be totally Subverted. Affirm.**

**I**t is necessary first to consider what Government is, then what the Ancient Constitution of the Government of England was.

I shall take Sir Robert Filmer's definition of Government, because he was a man, who endeavoured to maintain the utmost height of Kingly Power in England, and his definition is this, Government is the Exercise of a Moral Power.

The Ancient Constitution of the Government of England, I take to be that which was agreed on by the King and all the People after the Heptarchy, when the Saxons moulded the Government, and chose Alfred to be King, amongst other things these were part of his Oath, viz. *That he should be obedient to Jesus christ & obbeissant a suffre droit* ) as well as others of his people. And it was agreed that a Parliament should be held twice every year at London, and this continued from that time to the time of King Edward the Second, as appears by *Horne's Mirror of Justice* Cap. 11. Sect. 1. And in the same Section are these words, viz. *Es sont fait que le Royas devoit aver un peere en la terre, par ceo sequant que le Roy d'foit tort, si il pecha vers aucun d'son peuple, ne nul desus conissaires ne poit estre Judge & parsee, carient par droit que le Royas Compaignons par oyer & terminer aux Parliaments trestous les breves & plaints de torts de le Roy de la Roigne, & de leur Infants & de eulx* **A 2** *especialment*

*especialment de que torts l'en ne poist aver autrement common droit.*

And although the King ought not to have any Peer in the Realm, because the King, if he offend against any of his People, none of his Commissaries may be Judge and Party; it behoveth by right, that the King have Companions to hear, and determine at Parliaments, all the Writs, and Plaints of the wrongs of the King, of the Queen, and their Infants, especially of those wrongs, of which any cannot otherwise have common right.

And that Parliaments were held accordingly is manifest, not only by the Authority of the Mirror, but by the Writs of Summons to Parliament in Edward the First, Second and Third; and though there are affirmative Laws to hold Parliaments once every year, and once in three years, I know not of any Negative Law that sheweth that Parliaments was by the Constitution. That King James the Second has totally Subverted the Exercise of Government, by Exercising an Arbitrary Power contrary to all Moral Power, and so the Exercise of Government is Subverted, I shall plainly demonstrate both in Church and State. First in Church, By setting up the Ecclesiastical Commission, and thereby illegally prostituting all the Clergy to an Arbitrary Power, with a *Non obstante* to all Laws; this is directly against the Exercise of a Moral Power. Secondly, By the Commission to the Bishop of Chester, Chief Justice Wright, and Justice Jenner, by which they turned out the President, and many of the Fellows of Magdalen Colledge in Oxford, (the same Colledge where Queen Mary began to Tyrannize) to which may be added, the placing Papists in their Room, and putting Massey into the Deanry of Christ-Church, the greatest

est Colledge in the University, and Dr. Walker in the Headship of University Colledge. By this means Traytors were made Tutors to young Scholars, (for so are all Englishmen reconciled to the See of Rome) a ready means totally to Subvert the Reformed Religion and Government; for from Universities generally come great Officers in Church and State.

The dispensing power contrary to an act of Parliament made on purpose to prevent Popery, and arbitrary power (by preferring persons in Ecclesiastical, Civil and Military affairs without taking the Test, by means whereof Papists sat in Council with the King, Judges who have the executive power of the Law, and many made for particular illegal purposes were placed in Westminster Hall, Sheriffs who had the power of Counties (seven of eight in one Circuit) being professed Papists; and a great number of the Justices of the Peace of the same Religion, many Officers in the Army, and Soldiers were displaced, and Roman Catholiques placed in their stead, and in Ireland by degrees, Protestants were put out, and Papists put in, and that Kingdom was totally in the power of Roman Catholiques.

Besides, the King owns the Supremacy of the Pope, in all Ecclesiastical Affairs, whereas the Laws of England declare the King Supream in Matters Ecclesiastical and Civil, and the King owning the Supremacy of the Pope, is a setting up an arbitrary power in all matters of Religion, for if he is Subject to the Pope, and all the Clergy swear Supremacy to the King, this is contradictory, to have two Supreams, one by the Law of the Land Legally established, and another raised by Arbitrary Power of the King destructive to the Constitution of the Church of England; these things manifestly tend to the putting all Power Ecclesiastical, Military and Civil into the hands of Papists,



Papists, and the dispensing power at once sets up Arbitrary Power to destroy all the Laws, and makes the exercise of Moral power to cease.

If it is objected, That all these things though they are great misdemeanors, yet they are but misdemeanors which a Parliament may correct, but cannot amount to a subversion of the exercise of Government.

I answer that although in fact the whole Ecclesiastical, Civil and Military power was not yet actually vested in Papists (for then all must grant it subverted) yet the acts before mentioned totally subvert the exercise of Government and annihilate the Kingly Office to which there is not requisite the actual destruction of all, but it sets up an Arbitrary Tyrannical Power which may destroy all; and many an instance may be given, when without any actual wrong done upon the Bishops and Clergy or the Nobles and Commons of the Land the exercise of Government may be subverted, as if the King should send to the King of *France*, &c. to Invade *England*, and destroy the Subjects of *England*, though no English man is hurt thereby, nor any *French-man* comes into *England*, yet the Government is totally subverted; for as King he's bound to protect his people, and when instead thereof, he invites others to destroy 'em, the exercise of Government is subverted, and the Trust reposed in the King forfeited, as if a Keeper of a Park Pulls down the Pales which should keep in the Deer, he forfeits his Office.

If it is said, He's King, and accountable to none but God, and Subjects must not rebel, nor resist, but suffer and pray.

I Answer, his being King makes the Crime the greater, for 'tis not so great a wickedness for a forreign King to destroy us, as for our own; for 'tis no breach of Trust in the one, as 'tis plainly in the other; and what *Junius Brutus*

Brutus say's in his *vindicta contra Tyrannos*, when he compares a Tyrant King to a Shepherd, destroying the Sheep, does he say, I am Shepherd, therefore I may destroy them? *Junius* says, *Major lupus, quia pastor, & major tyrannus quia Rex*, the greater Wolf because a Shepherd, and the greater Tyrant because a King.

Q. 2. *Admitting the Exercise of Government dissolved, whether the Power of Settling the Exercise of Government is in the People?*  
Affirm.

**T**HO some have said the present case to be the Demise of the King, that I deny, the Demise of the King being but a soft expression of his death, and is only properly so when the King dies; and King *James* the Second being alive, to call it a Demise of the King is a contradiction.

Then I argue thus, either the exercise of the Government is in King *James* the Second, or in some other person, or the power of settling it in the People, but it is not in Kings *James* the Second, for the reasons before given, and some other which follow; nor is it in any other person: Therefore it is in the power of the People to settle it. If any can say it is in any other person let him assign that person, which he can't, because there can be no claim by descent during his life, for *Non est heres vivens*, there must be the death of the Ancestor before the Heir can claim any right.

Then,

(3)

Then if there is none to claim any right; there must be a sort of reverter to the people, who first chose the King (as is plainly proved) or a greater absurdity must follow, which is, that a People must remain without Government which I think no man will say, especially in *England* where many hold Monarchy *Jure divino*; tho I understand not that, or any specifical Government to be so, for then the *Israelites* Government would not as to the species of it have been so often changed, but Government in general may be said of divine right, as of necessity; then if no person living can claim a legal right, they must consent to the People to chuse Representatives to settle the exercise of the Government.

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**Q. 3.** *Whether as the Case stands it is best to Settle the Exercise of the Government in the Person, who would be next by Lineal Descent, if King James the Second was Actually dead?*  
I Answer Negatively.

**B**Efore I speak to this Question, I must say, Her Royal Highness the Princess of *Orange*, by what I have heard concerning her eminent zeal for God, and being an extraordinary, exemplary Pattern of Morality, true is the proverb of *Solomon*, Many daughters have done vertuously, but She excelleth them all, this lookslike flattery, but if Universal report is true, her great humility and wisdom leave no room for such a vanity; I shall therefore plainly give my reasons for my opinion.

1. The



1. The first is *ab inconvenienti*, the inconveniences which may follow at this time, (1.) the dispute of the pretended Prince of Wales.

2. If the two Princesses dye without issue, the Government will go to Papists, viz. to Spain, &c.

3. Desert is the best cause of reward, and who has deserved most, ought to have most given; as plain who has recovered *England*, and the consequence is a plain

4. The Princess has more advantage, than the other Sister could expect; for the life of the King, and the claim of a Prince and Children, that may be of the King, make them at a more remote distance, than if he who recovered them, and the people be let in for his life, which is no more than the Law gives to a Husband by the Courtship of *England*.

5. He is next Heir Male, tho' not by Males:

6. A Princess, not so able to make War, the great end of *Israels* choosing a King was to fight their Battles, which a Woman can't do.

7. The Allies engaged with the Prince to defend the Protestant Religion is very considerable, and if his Power should cease by the death of another, it would be dangerous.

8. Great ingratitude to put him in possibility of being worse, than if he had never come, for if the Princess dyes, he has no longer power to proceed.

9. 'Tis ungrateful to make him a subject in that Kingdom for which he has done more, than all the Kings of *England* ever did.

10. As his Power dyes, so his person may not be safe, if a subject; for he may be indicted by any man.

11. May be in more hazard of Assassination.

12. The Lords and a great number of the Commons

B

who

who were legally chosen in former Parliaments; thought fit the publique administration should be in the Prince.

I know some are of opinion to have the Prince and Princess, King and Queen, to which I only say, that such joint-power in governing never was in *England*, and the consequences are difficult (if possible) to judge, and tho some say the administration may be in the Prince only during the joint lives of the Prince and Princess, I answer, if the Princess is Queen, Regal Power is inseparable from her person, as was said by some, and not denied by any of the Judges in the case of Ship-mony, and it was said to be a *proprium quarta modo*, which a King or Queen as such must have, and then to have joint-power, will make both equal, and if they should differ, what should be done?

Q. 4. Whether 'tis consistent with the Prince's Honour to accept of the Government, especially considering his Declaration was to Redress Matters by a Free Parliament?

I Answer, taking it for granted (which I need not) that at the Princes coming he could not, yet what the King did since his coming renders it clear and plain, *viz.*

1. The Kings own Judgment against himself for issuing Writs to Elect, proves he thought a Parliament of necessity, and then destroying most of them, takes away the only remedy, and he which does so to a desperately sick man,

man, murders him as sure, as he who stabs him to the heart.

2. Then the taking the great Seal and carrying it no man knows whither, stayes the Spring of Justice, so that no Originals out of the Chancery can be filed for the Subject to have relief in any real Action; nor in many personal Actions where Original Writs are requisite.

3. His going with Sir Edward Hales a person notorious being set up to maintain the Arbitrary Dispensing Power, justifies his Dispensing Power still, by these he has brought the power into the people whose Representatives have the right of settling the Government as to wisdom shall be thought fit; for though some object it cannot be, for want of a Writ to call them, yet upon long Debate in the House of Commons, when this Objection was started, the Lord Chief Justice Hales said, *That though he would not maintain the Commons called according to Form by Writ, yet they being met were a good House of Commons; for the Parliament is not the Kings, &c. but the Parliament of England, and they being duly chosen by the People, were the Legal Representatives of the People to Act as a Parliament, and to say the Convention has Power to settle the Government it self, as to the Exercise, and not to have the force of a Parliament, seems strange; besides, no man can say but this Convention will be a Supream Power, and for the Supream Power to have any thing Legal to be above their reach, is to say they are Supream, yet there is something above their Power, & cuius est dare ejus est disponere; if they have Power to give the Exercise of the Government it self, which is the highest Act, and not to be able to make Laws for the Establishing, and the manner of Exercise, opposes that plain Maxim.*

To conclude, The extraordinary Providence of God,  
 whose Wonders His Highness has seen in preserving  
 Him and the Fleet in the Deep, and what we have  
 heard and seen since he came on Shore, makes it appa-  
 rent that the Lord hath sent him, and it would make a  
 Heathen (like *Nebuchadnezzar*) confess it, because no  
 other God can deliver after this sort, and the works of  
 God being all perfect, it is to be hoped, that there are  
 yet greater things to be done by him, for the refining  
 and reforming Matters in Church and State. *England*  
 had *Lucius* the first Christian King, as most say, *Con-*  
*stantine* the first Christian Emperor was Born here, the  
 first Reformation began here, and who knows, but  
 what is remaining, *viz.* the refining of all things  
 (which the best want) may be accomplish'd here to the  
 Glory of God, and the honour of him who he has sent.  
 I wish he may put him upon whose Shoulders the Govern-  
 ment of all things in Heaven and Earth is laid, into the  
 possession of his inheritance to the uttermost ends of the  
 Earth.

FINIS.

